UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 January 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to amendment-after non-final rejection filed January

4, 2008.

2.   Claims 1-18 remain pending. Claims 1, 8, 13 are independent claims.

Response to Arguments

3.   Applicant's arguments have been fully considered but they are not persuasive.

The following is an examiner's response to Applicants' arguments.

Applicants' arguments:

As noted in the previous response, independent claim 1 clearly recites that navigation over the second display portion replacespreviously displayed data fields with a display of current datafields along the Z axisfrom the second displayportion. In other words, as the cursor moves over the second display portion, the data fields represented in the second display portion is displayed along the Z axis, replacing previously displayed data fields, without the need to first press a "select" button. Support for this can be found from page 5 (line 21) to page 6 (line 2) of the present application. The EPG of the present invention, if the Examiner may note, provides a third axis 10 (i.e., in the z direction) to permit movement and selection in three dimensions. As illustrated in Fig. 2, multiple datafields or pages, such as pages 4, 12, and 14 are stacked upon one another and movement between the pages is along the z-axis (page 5, lines 16-20).

Furthermore, as noted starting on page 5 (line 28), "Z axis navigation only requires one key press." As such, movement along the z axis from, for example, page 4 to page 12 or from page 12 to page 14 requires only one key press.

To illustrate, as noted on page 5 (line 24) "movement in the z direction is by movement of a cursor along menu bar 16." The menu bar, as the Examiner may note, is the second display portion (see page 5, lines 22-23). This movement in the z direction (i.e., along the second display portion) changes the view in the first display portion (i.e., the page being shown) (page 6, lines 4-5). Thus, as illustrated in Fig. 3, when one key press is made to move or navigate the cursor from, for instance, the top box, to the middle in menu bar 16 (i.e., along the second display portion), the view is changed from page 4 to page 12 (i.e, along the z-axis) without the need to perform a second key press of, for instance, a "select" key, as required by the prior art.

Applicants agree with Examiner that Alexander et al. fail to teach that navigation over the second display portion replaces previously displayed data fields with a display of current data fields along the Z - axis from the second display portion. In order to navigate along the Z axis, Alexander et al. require that after pressing a key to move the cursor to the display portion having particular data items to be displayed, a select key must subsequently be pressed to invoke display of those particular data items along the Z axis. In other words, when the Alexander et al. cursor is navigated over the navigation bar 20, the Z axis data fields associated with the highlighted portion of the navigation bar 20 cannot be displayed unless and until the "select" key 42 is pressed.

However, Applicants respectfully disagree with the assertion by the Examiner that it would have been obvious to a person having ordinary skill in the art to use the W3C Guidelines and style sheets to create Alexander's EPG, so that the navigation bar 20 in Fig. 1 of Alexander et al. is created as a document for the navigation mechanism, as taught in the W3C Guidelines Alternative Pages section, so

that when a user tabs the cursor to item "schedule", the content window "schedule" is displayed as shown in Fig. 6 of Alexander et al.

If the Examiner may note, the W3C Guidelines specifically describe techniques for authoring accessible HTML content for web development. The utilization of HTML and scripts, as set forth in the W3C Guidelines, requires the use of a browser as an interface. Although the EPG in Alexander et al. has the ability to access the Internet for content, the EPG in Alexander et al. does not have the ability to display HTML or run java script as required in the W3C Guidelines. Moreover, there is neither any teaching nor disclosure within the W3C Guidelines whether an EPG, such as that in Alexander et al., can be modified to include scripting features and HTML in the manner taught by the W3C Guidelines. Since the EPG in Alexander et al. do not have the ability to display HTML or run the java script technology set forth in the W3C Guidelines, the EPG in Alexander et al. would not be able to permit content or data items of a display portion (i.e., field) to be displayed upon tabbing or navigation of the cursor over the field of interest, in the manner set forth in claim 1.

Furthermore, even if one were to combine the technology in the W3C Guidelines with that being taught in Alexander et al., Applicants submit that the EPG in Alexander et al. would still not be able to permit content or data items of a display portion (i.e., field) to be displayed upon tabbing or navigation of the cursor over the field of interest. In particular, the W3C Guidelines is for operation within a web environment. On the other hand, the EPG in Alexander et al. is for operation on a VCR or DVR. This, in addition to the inability to display HTML or run java script, would prevent or make it difficult for Alexander et al. to incorporate the technology provided in the W3C Guidelines into their EPG to permit movement in the z axis in the manner set forth in claim 1. Alexander et al. would still require that the "select" button be pressed in order to move in the z axis.

Accordingly, Applicants submit that a person of ordinary skill in the art reading Alexander et al. and the W3C Guidelines would not find it obvious to modify Alexander et al. in the manner taught by the W3C Guidelines, so as to modify Alexander et al. to permit the content of the "schedule" window to be displayed when a user tabs the cursor to the "schedule" window, as suggested by the Examiner. Claims 2-7 are dependent from claim 1. As such, claims 2-7 must be read to are also not anticipated by Alexander et al.

Independent claims 8 and 13 are directed to a method for displaying an interactive graphics interface on a display screen. Similar to independent claim 1, claim 8, as previously presented, recites that navigation over the second display view replaces previously displayed data with a display of current data from the second display view along the third navigational axis, and claim 13, as previously presented, recites that navigation over the second display view replaces previously displayed data with a display of current data from the second display view along the Z axis. As noted above, as the cursor moves over the second display portion along the third navigational axis (i.e., the Z axis), the data fields represented in the second display portion is displayed, replacing previously displayed data fields, without the need to first press a "select" button.

As conceded by the Examiner and noted by Applicants above, Alexander et al. cannot move in the Z direction in the manner set forth in the present application. In particular, when the Alexander et al. cursor is navigated over the navigation bar 20, the Z axis data fields associated with the highlighted portion of the navigation bar 20 cannot be displayed unless and until the "select" key 42 is pressed. Moreover, Alexander et al. do not have the ability to display HTML or run the java script technology set forth in the W3C Guidelines. To that end, the EPG in Alexander et al. would not be able to permit content or data items of a display portion (i.e., field) to be displayed upon tabbing or navigation of the cursor over the field of interest, in the manner set forth in claims 8 and 13.

Accordingly, a person of ordinary skill in the art would not find it obvious combine the teachings of the W3C Guidelines with that of Alexander et al. to obtain the inventions set forth in independent claims 8 and 13. Applicants, therefore, submit that claims 8 and 13 cannot be rendered obvious by Alexander et al. in view of the W3C Guidelines.

Likewise, claims 9-12 are dependent from claim 8, and claims 14-18 are dependent from claim 13. These claims therefore must be read to include the limitations of their base claims. Thus, if followed to

their logical conclusion, these claims also cannot be rendered obvious by Alexander et al. in view of the W3C Guidelines.

<u>Examiner's response:</u>

In response to Applicants' assertion that "[t]he utilization of HTML and scripts, as set forth in the W3C Guidelines, requires the use of a browser as an interface. Although the EPG in Alexander et al. has the ability to access the Internet for content, the EPGin Alexander et al. does not have the ability to display HTML or run java script as required in the W3C Guidelines," the examiner respectfully notes that at 8:36-63, Alexander indicates that in one of the embodiments the EPG scheduling data and the software to format, **display**, and **navigate** the EPG scheduling data (emphasis added by examiner) is accessed by the viewers' television system through a direct link between the viewer's television system and the Internet. Alexander further indicates in the above cited portion that the viewer may also be provided with a selection of multiple EPG Internet web sites and that the viewer's television system is programmed to emulate computer on-line access to the Internet. Without a browser, it is difficult to imagine how the user can navigate these EPG Internet web sites.

Since Alexander appears to suggest the use of browser which uses HTML and scripts to navigate pages displaying EPG information using tabbing mechanism, the claim would have been motivated to combine the teachings of Alexander and W3C Guidelines to achieve the claimed invention and that there would have been a reasonable expectation of success.

Claims 8 and 13, which recite similar features of Claim 1, are considered to be unpatentable over the combination Alexander-W3C Guidelines for the reasons discussed above and hereinafter.

For Claims 2-7, 9-12 and 14-18, see rationale for rejection of these claims set forth in previous Office actions.

Claim Rejections - 35 U.S.C. § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented
> and the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,177,931 to Alexander et al. ("Alexander") in view of W3C, Core

Techniques for Web Content accessibility Guidelines 1.0 and HTML Techniques for

Web Content Accessibility Guidelines 1.0 (both referred hereinafter as "W3C

Guidelines"), both November 2000.

Claims 1, 8 and 13

Alexander discloses all the features of Claims 1, 8 and 13 except:

> *such that navigation over the second display portion replaces previously displayed data*
> *fields with a display of current data fields along the Z-axis from the second display portion.*

However, W3C Guidelines teaches the following:

10.6 Alternatives to frames

One of the most common uses of frames is to split the user's browser window into

two parts: a navigation window and a content window. As an alternative to frames, we

encourage you to try the following:

1. Create one document for the navigation mechanism (call it "nav.html"). A
    separate document means that the navigation mechanism may be shared by
    more than one document.

2. In each document requiring the navigation mechanism, include it at the bottom
    of the document with the following (or similar) <u>OBJECT</u> markup:

> **Example.**
>
> ```
> <P>
> <OBJECT data="nav.html">
> Go to the <A href="nav.html">table of contents</A>
> </OBJECT>
> ```

Putting the navigation mechanism at the end of the document means that when
style sheets are turned off, users have access to the document's important
information first.

3. Use style sheets to position the navigation mechanism where you want on the
    screen. For example, the following CSS rule floats the navigation bar to the left
    of the page and makes it take up 25% of the available horizontal space:

> ```
> 4.          OBJECT { float: left; width: 25% }
> ```

The following CSS rule attaches the navigation mechanism to the bottom-left
corner of the page of the page and keeps it there even if the user scrolls down
the page:

> ```
> OBJECT { position: fixed; left: 0; bottom: 0 }
> ```

Note. Navigation mechanisms or other content may be inserted in a document by means of server-side includes.

and,

3 Alternative pages

Checkpoints in this section:

- <u>11.4</u> If, after best efforts, you cannot create an accessible page, provide a link to an alternative page that uses W3C technologies, is accessible, has equivalent information (or functionality), and is updated as often as the inaccessible (original) page. [Priority 1]

- <u>6.5</u> Ensure that dynamic content is accessible or provide an alternative presentation or page. [Priority 2]

Although it is possible to make most content accessible, it may happen that all or part of a page remains inaccessible. Additional techniques for creating accessible alternatives include:

1. Allow users to navigate to a separate page that is accessible, contains the same information as the inaccessible page, and is maintained with the same frequency as the inaccessible page.

2. Instead of static alternative pages, set up server-side scripts that generate accessible versions of a page on demand.

3. Refer to the examples for <u>Frames</u> and <u>Scripts</u>.

4. Provide a phone number, fax number, e-mail, or postal address where information is available and accessible, preferably 24 hours a day

Here are two techniques for linking to an accessible alternative page:

1. Provide links at the top of both the main and alternative pages to allow a user to move back and forth between them. For example, at the top of a graphical page include a link to the text-only page, and at the top of a text-only page include a link to the associated graphical page. Ensure that these links are one of the first that users will tab to by placing them at the top of the page, before other links.

2. Use meta information to designate alternative documents. Browsers should load the alternative page automatically based on the user's browser type and preferences.

Checkpoints in this section:

- <u>9.2</u> Ensure that any element that has its own interface can be operated in a device-independent manner. [Priority 2]

- <u>9.3</u> For scripts, specify logical event handlers rather than device-dependent event handlers. [Priority 2]

- <u>9.4</u> Create a logical tab order through links, form controls, and objects. [Priority 3]

- <u>9.5</u> Provide keyboard shortcuts to important links (including those in client-side image maps), form controls, and groups of form controls. [Priority 3]

Not every user has a graphic environment with a mouse or other pointing device. Some users rely on keyboard, alternative keyboard or voice input to navigate links, activate form controls, etc. Content developers must ensure that users may interact with a page with devices other than a pointing device. A page designed for keyboard access (in addition to mouse access) will generally be accessible to users with other input devices. What's more, designing a page for keyboard access will usually improve its overall design as well.

Keyboard access to links and form controls may be specified in a few ways:

Image map links

Provide text equivalents for client-side image map areas, or provide redundant text links for server-side image maps. <u>Refer to the image map section for examples.</u>

Keyboard shortcuts

Provide keyboard shortcuts so that users may combine keystrokes to navigate links or form controls on a page. **Note.** Keyboard shortcuts -- notably the key used to activate the shortcut -- may be handled differently by different operating systems. On Windows machines, the "alt" and "ctrl" key are most commonly used while on a Macintosh, it is the apple or "clover leaf" key. Refer to the <u>Keyboard access for links</u> and <u>Keyboard Access to Forms</u> sections for examples.

Tabbing order

Tabbing order describes a (logical) order for navigating from link to link or form control to form control (usually by pressing the "tab" key, hence the name). Refer to the <u>Keyboard Access to Forms</u> section for examples.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use W3C Guidelines for style sheets to create Alexander's EPG so that the navigation bar 20 in FIG. 1 of Alexander is created as a document for the navigation mechanism as taught in W3C Guidelines, 10.6.1. and 3. Alternative pages above so that when a user tabs the cursor to item "Schedule," the content window "Schedule" is displayed as shown in FIG. 6.

One of ordinary skill in the art would have been motivated to use the W3C Guidelines to design Alexander's EPG style sheet in order to make the navigation of EPG more user-friendly.

Claims 2-7, 9-12 and 14-18

Rejections of the corresponding base claims are incorporated. For the specific features recited in these claims, see previous Office actions.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday - Friday from 7:00 – 17:30.

        If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, John Miller can be reached at (571) 272-7353.

        The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

        Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist: 571-272-2600.

        Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/
Primary Examiner, Art Unit 2623

March 28, 2008